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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,388	08/15/2001	Gary J. Sullivan	MS1-751US	1590
22801	7590	01/27/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			FLETCHER, JAMES A	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,388

Applicant(s)

SULLIVAN, GARY J.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 papers</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2616

DETAILED ACTION

New Art Unit

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Adachi et al (5,091,899).

Regarding claim 32, Adachi et al disclose a method of processing media samples comprising:

- providing one or more media samples individual ones of which have a timecode; and
- calculating a represented time associated with one or more of the media samples in accordance with the following equation:
$$\text{time} = x + (\text{frame count} * \text{UPF} + \text{offset}) / \text{UPS}, \text{ where}$$
 - x is a measure of time associated with the media sample and ascertained from the media sample's timecode;
 - "frame count" is a value associated with a frame number of the media sample;

- “UPF” comprises a number of basic units of time to be added for each field count increment;
- “offset” specifies a difference between the time represented by the timecode associated with the media sample and a represented time ();
and
- “UPS” comprises a number of basic units of time in a time base per unit of time.

This process appears to define a method of recalculating a time code from a frame-based code into one that can have any resolution desired by the user by calculating a time code based in fractional seconds from the frame time code base, and adding incremental offsets to the frame start threshold timings. Adachi et al disclose time code recalculation using offsets from the frame start threshold as shown in the processes of Fig. 10.

Regarding claim 33, Adachi et al disclose a method of processing media samples, wherein “x” is associated with a number of seconds specified by the number of whole seconds represented in a SMPTE timecode, either as a total number of seconds or as parameters representing hours, minutes, and seconds (Col 12, line 23 “ $N=1800 \times 60 \times H + 1800 \times M + 30 \times S + F$ ”).

Regarding claim 34, Adachi et al disclose a method of processing media samples, wherein “offset” is selected as a function of a true frame rate of the media samples (Fig 17 shows an offset of 0.2 Frame).

Regarding claim 35, Adachi et al disclose a method of processing media samples, wherein the true frame rate comprises a fractional number of frames per unit of time (Fig 17 shows Recording Frame values as having fractional components).

Regarding claim 36, Adachi et al disclose a method of processing media samples, wherein the unit of time comprises seconds (Col 12, lines 15-21 "When hour, minute, second, and frame of the SMPTE time codes are represented by H, M, S, and F respectively, the total frame number...N from 0 hour 0 minute 0 second 0 frame is given by an equation [6]").

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF

January 24, 2005


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600